IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1296 OF 2004

IN

APPEAL FROM ORDER STAMP NO. 28254 OF 2004

Vinod Vashanji Dharod ..Applicant

versus

Fedroline A. Joseph & Ors. ..Respondents

Mr. A. P. Kumbhakoni with H. V. Kode for the Applicant - Appellant.

Mr. O. Menezes i/b. R. P. Mudholkar for Respondent No.1.

Mr. S. G. Deshmukh for Respondent Nos. 3 to 9.

CORAM : D. G. DESHPANDE,J.

DATE : 22ND MARCH,2005

P.C. :

1. Heard.

2. This is an application for condonation of delay of 45 days in filing the Appeal. This application was strongly opposed by the counsel for the Respondents. When the matter was heard last time, the applicant - appellant was given time to file additional affidavit explaining the delay. Now

he has filed additional affidavit. He has stated that when the earlier certified copy was given to him, the names of seven defendants only were there, therefore he had to file another application for second correct certified copy. That took time, therefore, delay. This explanation is given in paragraphs 4 and 5 of the additional affidavit. This explanation is supported by the circumstances, therefore delay is condoned. Application disposed of.

3. Put up appeal for admission on 29.3.2005.

22.03.2005 (D.G. DESHPANDE, J.)